

*** NOT FOR PUBLICATION ***

NO. 26289

IN THE SUPREME COURT OF THE STATE OF HAWAII

YVETTE RENEE WILLIAMS, Plaintiff-Appellant

vs.

JEFFERSON JAMES WILLIAMS, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 02-1-3829)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that appellant appeals the September 29, 2003 divorce decree only as to child custody, support and visitation. The September 29, 2003 decree did not fully and finally decide FC-D No. 02-1-3829 as to child custody, support and visitation inasmuch as the matters of payment of the children's expenses for additional or new extracurricular activities and for post-high school education was left for later determination and has not been decided. Thus, this appeal is premature and we lack jurisdiction. See HRS §§ 641-1(a) and 571-54; Black v. Black, 6 Haw. App. 493, 496, 728 P.2d 1303, 1305 (1986) (the discrete parts of a divorce case -- (1) child custody, support and visitation, (2) spousal support and (3) division of property -- are final and appealable when those discrete parts are fully and finally decided in the divorce decree or thereafter); see also Eaton v. Eaton, 7 Haw. App. 111, 748 P.2d 801 (1987). Therefore,

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IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 20, 2004.